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judiciary independent, and the proposition that this independent judiciary was to have plenary power to declare congressional acts null and void. He discusses the cases in which the state judges claimed and employed the power to judge state laws unconstitutional, but he does not prove at all that their conclusions were generally accepted. He assumes that the clause of the constitution making "this constitution and the laws of the United States which shall be made in pursuance thereof, . . . the supreme law of the land," and binding the judges in every state thereby, was passed primarily to give to the supreme court "the right of review of all state legislation inimical to the organic law of the Union." A study of the debates in the convention would reveal that this clause was adopted primarily in order to give to the national government sovereign powers and to give it powers over the individual rather than over the states and thereby dispense with the plan of giving to congress the power to nullify state laws or of giving to the President power to call out the military forces to compel the states to obey.

As a whole, however, the author presents his thesis with ability and exactness. The book cannot but make the most careful opponent to the proposition rather insecure in his beliefs. What is needed now is a volume that will make the distinctions noted above and present side by side all the available material on both sides of the question.

Mr. Dougherty feels that no law should be set aside as unconstitutional unless it is "plainly and palpably so" and that no law can respond to this test when the court is seriously divided regarding it. He, therefore, recommends that a statute be declared in conflict with organic law only by unanimous, or nearly unanimous, vote of the court, and that the state through its attorney-general should always be given an opportunity for a rehearing when laws are declared unconstitutional. He also feels that all cases involving the due process of law clause in the fourteenth amendment should be appealed to the United States Supreme Court.

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ELLWOOD, CHARLES A. *Sociology in its Psychological Aspects.* Pp. xiv, 417  
Price, \$3.00. New York: D. Appleton & Co., 1912.

In the last ten years Professor Ellwood has gained a deserved reputation as a careful student of social theory. He has the power of stating his views clearly and forcefully, and he creates the impression that he is not intentionally slighting ideas which he himself does not hold.

The present volume begins with a survey of the various conceptions of sociology and of society in which the conclusion is reached that "The study of social evolution, then,—that is, of social changes of all sorts, from those of fashions to great industrial and political revolutions,—is the vital part of sociology." "Sociology . . . is an abstract, theoretical science of the social life." Thus it differs from history—the description of past events.

Biology and psychology are to the author the chief foundations of sociology, though the former plays a restricted rôle limited to such subjects as population, heredity, national selection. The great mass of the questions are psychological.

Here is the beginning of a query which must constantly rise in the mind of the careful reader—to what extent does Dr. Ellwood think of psychology as a physical science—the biology of the brain and nervous system—and to what extent does it carry metaphysical connotations? On page 68 he says that sociology “starts with the common-sense view of the world, assuming the existence of real individuals, who are both physical and psychical beings, and who are in mental interaction with one another.” This may be true of his sociology, but with reference to that of others all depends on whether he uses “physical and psychical” as indicating different things or different aspects of the same thing. Apparently from the following pages metaphysics has not yet lost its grip on him, but his argument here is unconvincing.

Now if the will is free it becomes necessary to draw a distinction between cause and effect in the physical and in the organic worlds. This is done by use of the terms “stimulus” and “response.” “The laws of physical science are laws of cause and effect in the mechanical sense. No such laws are possible in social phenomena.” “Law in the social science, then, rests upon the fact of habit.” “A social law is a statement of the habitual way in which individuals, or groups of individuals, interact.” “But the uniformities of human nature and society are due to instincts and habits.” Yet on page 97 we are told that “it can be accepted as a general truth that the more complex and varied the bodily movements are in a species, the higher its intelligence;” or “At any rate, bodily activity is the basis of mental life,” which would seem to bring us dangerously near to cause and effect again; or, on page 115: “The feeling, in other words, which we term emotion is the result of bodily movements, and not bodily movements the result of feeling.” With a great part of this chapter, I am in hearty accord, but it seems to me that the author is caught in a dilemma from which he fails to escape.

“The origin of human society is in the instincts established by natural selection long before the human stage was reached.” “Society is the co-ordination of the activities of individuals.” Hence social co-ordination is the central fact in society and social self-control is the fundamental fact for psychological sociology. This thesis is developed at length.

One of the longest chapters is that on The Rôle of Instinct in the Social Life. As already indicated, to this the author attaches great importance, for if we are “to understand human society on its spiritual side, we must begin, therefore, with the human instincts.” By instinct the author apparently means hereditary nerve reactions. These are not fixed, mechanical but rather vague, indefinite, easily modified by environment. They are hard to discover in human society and yet nearly all human actions are based on them and their combinations. Unless perverted, these instincts are helpful, but apparently they are easily perverted. Dr. Ellwood says that the psychological sociologist does not need to go back of current psychology. He might as well claim that the sociologist studying the effect of religion on society should stop with the pronunciamientos of the Catholic Church. I believe there is a proper use of the term instinct, but it seems to me it should be clearer and more definite.

Later chapters discuss Feeling, Intellect, Sympathy, Imitation, The Social Mind, Forms of Association, The Theory of Social Progress. Space forbids

extended discussion. In them he reviews the work of a large number of men and makes many interesting observations. It is amusing to find him putting Professor Patten in the same boat with Marx, just at the time when Professor Small is extolling the latter and Professor Patten is trying to show that Marx' theories are sociological, not economic.

Though I have indicated some places where I feel the author has not made good his case or wherein I differ from him, I have greatly enjoyed reading the volume. It is not too much to say that it is one of the significant books on social theory of recent years.

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EVANS, MAURICE S. *Black and White in South East Africa.* Pp. xvi, 341. Price, \$2.50. New York: Longmans, Green & Co.

This book is a study of the relations of the white and black races in that part of South Africa which held public attention during the British-Boer War and during the native uprisings of Zulus and their neighbors. The territory comprises the Transvaal and Natal, bordering upon the Indian Ocean. This is the land of the Abantu, which the white man has invaded. Not only is this shown in native names—Basuto Land, Griqualand, Zulu Land, etc.—of subdivisions of the territory, but also by the presence of many marks of European industry and invention beside the native kraal and culture. This is the stage for the drama played by "A white oligarchy, every member of the race an aristocrat; a black proletariat, every member of the race a server; the line of cleavage as clear and as deep as the colors."

But the author shows that the differences are deeper than the colors. To the native, the tribe and family are the ends of life. The individual exists as a means to those ends. The native is a "tribalist." The white man is an individualist and condemns the native government and life as bad, burdened with a despotic chief. Besides, the white man wants wealth and seeks to use every power of nature and man to secure it; he demands individual possession of this wealth. The native tribalism leads to communal systems of land-holding. The white man's individualism results in private ownership of the land and native displacement from it.

A chapter on Land—the Need of the Black Man, and another on Labor—the Demand of the White Man, make clear that after the period of Dutch settlement with its patriarchal relationships and crops for home uses, settlers have come with ideas of farming by latest methods for export and profit. The native has been crowded out from the best lands and is forced to pay rent for what he continues to occupy. More labor is demanded of him. This is distasteful because his theory of life does not include the white man's idea of continuous work for gain. In Natal, the settlers do not want a land-holding peasantry or cattle-owning tenants, but laborers on their farms. In Basuto Land and a few other sections where a liberal policy of land-holding for the native has been enforced, beneficent results have followed. The Abantu is unprepared for and averse to "violent changes" in his social order and industrial life; he loves the land and cries out against the threatened divorce from it.